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SLR:dm 11/21/03 236374
PATENTAttorney Reference Number 7013-54358
Application Number 09/641,540

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:**Santosh Misra and Malinee Chatthai****Application No. 09/641,540****Filed: August 18, 2000****Confirmation No.****For: PLANT-GENE PROMOTER AND
METHODS OF USING THE SAME****Examiner: Teresa E. Strzelecka****Art Unit: 1637****Attorney Reference No. 7013-54358****CERTIFICATE OF MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)Date Mailed November 26 2003MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**DECLARATION OF INVENTOR PURSUANT TO PETITION TO CORRECT
INVENTORSHIP UNDER 37 CFR § 1.48(a)**

Sir:

I, Malinee Chatthai, declare that it was an error not to name me as inventor of one or more inventions claimed in the above-referenced application, and that the error in failing to name me as an inventor arose without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 11/24/03By: Malinee Chatthai

Malinee Chatthai



MR. do 11/21/03 236374
PATENT

Attorney Reference Number 7013-54358
Application Number 09/641,540

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Santosh Misra and Malinee Chattrai

Application No. 09/641,540

Filed: August 18, 2000

Confirmation No.

For: PLANT-GENE PROMOTER AND
METHODS OF USING THE SAME

Examiner: Teresa E. Strzelecka

Art Unit: 1637

Attorney Reference No. 7013-54358

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Attorney
for Applicant(s)

Date Mailed

November 26, 2003

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

DECLARATION OF INVENTOR PURSUANT TO PETITION TO CORRECT
INVENTORSHIP UNDER 37 CFR §.48(a)

Sir:

I, Santosh Misra, declare that it was an error not to name Malinee Chattrai as inventor of
one or more inventions claimed in the above-referenced application, and that the error in failing
to name her as an inventor arose without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that
all statements made on information and belief are believed to be true; and further that these
statements were made with the knowledge that willful false statements and the like so made are
punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
Code and that such willful false statements may jeopardize the validity of the application or any
patent issued thereon.

Dated:

NOV 25th 03

By:

Santosh Misra

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Attorney Reference Number 7013-54358
Application Number 09/641,54011/21/03 236377
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Santosh Misra and Malinee Chatthai

Application No. 09/641,540

Filed: August 18, 2000

Confirmation No.

For: PLANT-GENE PROMOTER AND
METHODS OF USING THE SAME

Examiner: Teresa E. Strzelecka

Art Unit: 1637

Attorney Reference No. 7013-54358

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Attorney
for Applicant(s)

Date Mailed November 26, 2003

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

ASSENT OF ASSIGNEE TO
ADDITION OF INVENTOR UNDER 37 CFR § 1.48(a)

Sir:

University of Victoria Innovation and Development Corporation is the Assignee of the entire right, title and interest in the above-identified patent application, as evidenced by the Assignment recorded in the U.S. Patent and Trademark Office on October 20, 2000, at Reel 11215, Frames 253-257 and by the attached Assignment signed by Malinee Chatthai.

Assignee hereby assents to the correction of inventorship filed herewith.

I am authorized to act on behalf of University of Victoria Innovation and Development Corporation and the title of my position with University of Victoria Innovation and Development Corporation is BUSINESS DEV. MANAGER

University of Victoria Innovation
and Development Corporation

Dated: Nov 28 / 2003

By: [Signature]
Name: BRENT STERNIG
Title: BUSINESS DEVELOPMENT MANAGER

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1. Total number of pages including cover sheet, attachments and document: 3

2. Name of Conveying Party(ies) and Execution Date(s) of Document(s) ☐ Check here if additional name(s) attached
 Name(s): Malinee Chatthai
 Execution Date(s): November 24, 2003

3. Name and address of receiving party ☐ Check here if additional name(s) & address(es) are attached
 Name University of Victoria Innovation and Development Corporation
 Address P.O. Box 3075, R Hut, McKenzie Avenue
 Victoria, British Columbia V8W 3W2 Canada

4. Nature of Conveyance
☒ Assignment ☐ Merger ☐ Security Agreement ☐ Name Change ☐ Other:

5. Total number of applications and patents involved: 1

6. Total fee authorized to be charged to deposit account 02-4550 (37 C.F.R. § 3.41): \$40.00

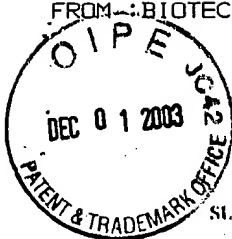
7. ☒ Check here if any deficiency/overpayment is authorized to be charged to deposit account 02-4550

8. Enter either the Execution date (of the Declaration and Power of Attorney), Application Number, or the Patent Number. Do not enter more than one number for the same patent.

- A. ☐ This document is being filed with a new application. Execution date is: _____
 B. ☒ Patent Application No.(s) or Patent No.(s): 09/641,540
☐ Check here if additional numbers are attached

9. Correspondent's name, address, and telephone number

Sheree Lynn Rybak, Ph.D.
 Klarquist Sparkman, LLP
 One World Trade Center, Suite 1600
 121 S.W. Salmon Street
 Portland, Oregon 97204-2988
 Telephone: 503-226-7391



SLR:dm 11/21/03 236557

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Attorney Ref. No. 7013-54358

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PLANT-GENE PROMOTER AND METHODS OF USING THE SAME, the specification of which

- ☐ is attached hereto.
- ☒ was filed on August 18, 2000 as United States Patent Application No. 09/641,540.
- ☐ was described and claimed in PCT International Application No. _____, filed on _____, and as amended under PCT Articles 19 on _____ (if applicable).
- ☐ and was amended on _____ (if applicable).
- ☐ with amendments through _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses claims and subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the applications(s) on which priority is claimed:

| Number | Country | Day/Month/Year Filed | Claim Priority? |
|--------|---------|----------------------|--|
| | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Number | Filing Date |
|--------------------|-------------|
| | |

SLR:dm 11/21/03 236557

Attorney Ref. No. 7013-54358

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Number | Filing Date | Status: patented, pending, abandoned |
|--------------------|-------------|--------------------------------------|
|--------------------|-------------|--------------------------------------|

I hereby appoint the practitioners associated with the customer number provided below to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

Customer Number 24197

| Name | Reg. No. | Name | Reg. No. |
|-----------------------|----------|-------------------------|----------|
| ANDON, Christopher L. | 51,406 | MC LEOD, Richard D. | 46,921 |
| BAKER, Theodore W. | 53,961 | MAURER, Gregory L. | 43,781 |
| BIBLE, Patrick M. | 44,423 | NOONAN, William D. | 30,878 |
| BUNKER, Gillian | 47,461 | PETERSEN, David P. | 28,106 |
| CALDWELL, Lisa M. | 41,653 | POLLEY, Richard J. | 28,107 |
| CARLSON, Anne | 47,472 | RINEHART, Kyle B. | 47,027 |
| CASH, David | 52,706 | RUPERT, Wayne W. | 34,420 |
| GIRARD, Michael P. | 38,467 | RYBAK, Sheree L. | 47,913 |
| GOFF, Jared S. | 44,716 | SIEGEL, Susan Alpert | 43,121 |
| GORDON, Debra A. | 54,128 | SLATER, Stacey C. | 36,011 |
| HAENDLER, Jeffrey B. | 43,652 | STEPHENS Jr., Donald L. | 34,022 |
| HARDING, Tanya M. | 42,630 | STUART, John W. | 24,540 |
| HAYES, Kevin M. | 54,158 | VANDENBERG, John D. | 31,312 |
| JAKUBEK, Joseph T. | 34,190 | WAGNER, Justin D. | 54,519 |
| JONCUS, Stephen J. | 44,809 | WHINSTON, Arthur L. | 19,155 |
| JONES, Michael D. | 41,879 | WIGHT, Stephen A. | 37,759 |
| KLARQUIST, Kenneth S. | 16,445 | WINN, Garth A. | 33,220 |
| KLITZKE II, Ramon A. | 30,188 | YOUNG, Travis | 53,819 |
| LEIGH, James S. | 20,434 | ZASTROW, Devon J. | 50,206 |

I hereby grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Combined Declaration and Power of Attorney any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for submitting this document.

Address all telephone calls to Sheree Lynn Rybak, Ph.D. at telephone number (503) 226-7391.

Address all correspondence to the address associated with the customer number provided below:

Customer Number 24197

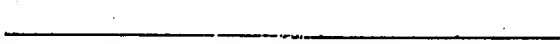
SLR:dm 11/21/03 236557


Attorney Ref. No. 7013-54358

The correspondence address associated with the customer number provided above is:

Klarquist Sparkman, LLP
121 S.W. Salmon Street, Suite 1600
Portland, OR 97204

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|--|--|
| Name of First or Sole Inventor: | Santosh Misra |
| Residence: | Victoria, BC, Canada |
| Mailing Address: | University of Victoria Innovation and Development Corporation Department of Biochemistry and Microbiology Petch Building Victoria, BC V8W 3P6 CANADA |
| Citizenship: | Canada |
| Inventor's Signature |  |
| Date | |

| | |
|---------------------------------|---|
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| Residence: | Bangkok, Thailand |
| Mailing Address: | 665 Charansanitwong Rd., Bangbunrhu, Bangplad, Bangkok 10700 THAILAND |
| Citizenship: | THAILAND |
| Inventor's Signature |  |
| Date | 11/24/03 |